

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

CHRISTINE GREGOIRE, *et al.*,

Defendants.

CASE NO. MS06-154RSM-JPD

ORDER DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS*
AND DISMISSING CASE

This appears to be the second civil rights action filed by Washington State prisoner John Demos in 2006. He alleges in his proposed complaint pursuant to 42 U.S.C. § 1983, that prison officials have threatened his life in retaliation for his having informed the Secret Service of a plot “brewing within the [Washington] State Dep’t. of Corrections to kill the President.” (Proposed Complaint at 3). Mr. Demos has also filed an application to proceed *in forma pauperis* (“IFP application”). (Dkt. #1). The Court has reviewed Mr. Demos’ proposed complaint, IFP application, and the balance of the record, and hereby finds and ORDERS as follows:

(1) Mr. Demos is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993).

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Under orders of this Court, Mr. Demos may submit only three IFP applications and proposed actions each year. *See In re John Robert Demos*, MS91-269 (W.D. Wash., January 16, 1992). Each IFP application must be accompanied by a separate statement that shows good cause why he should be permitted to proceed *in forma pauperis* and an affidavit attesting to the fact that the claims in the proposed action have not been previously presented in any other action in any court. *See In re John Robert Demos*, MS91-269 (W.D. Wash., January 16, 1992) and *In re Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash., December 15, 1982). Furthermore, under 28 U.S.C. § 1915(g), Mr. Demos must demonstrate “imminent danger of serious physical injury” to proceed *in forma pauperis* because he has had numerous prior actions dismissed as frivolous, malicious or for failure to state claim. *See Demos v. Lehman*, MS99-113 (W.D. Wash., August 23, 1999).

The instant IFP application does not meet the requirement under 28 U.S.C. § 1915(g) of demonstrating that Mr. Demos is in imminent danger of serious physical injury. While he alleges that prison officials are threatening his life, he provides no evidence that this is so. Accordingly, his application to proceed *in forma pauperis* is DENIED and this action is DISMISSED.

(2) The Clerk shall send a copy of this Order to Mr. Demos and to United States Magistrate Judge James P. Donohue.

DATED this 5th day of October, 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Recommended for Entry
this 3rd day of October, 2006

/s/ JAMES P. DONOHUE
United States Magistrate Judge